

**Patent**

**Attorney Docket No.: 2207/11665**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Lauge S. SORENSEN  
SERIAL NO. : 09/887,070  
FILED : June 25, 2001  
FOR : METHOD AND APPARATUS FOR MOVING HTML/XML  
INFORMATION INTO A HTTP HEADER IN A NETWORK  
GROUP ART UNIT : 2454  
EXAMINER : Dustin NGUYEN

M/S: APPEAL BRIEF – PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: Board of Patent Appeals and Interferences**

**REPLY BRIEF**

Dear Sir:

This brief is in reply to issues raised by the Examiner in his Answer of June 21, 2010.

Application No.: 09/887,070  
Filing Date: June 25, 2001  
Appellant(s): Lauge S. SORENSEN  
Group: 2800  
Reply Brief dated: August 20, 2010

### **I. Status of Claims**

Claims 3-4, 6-9, 11-16, 18 and 20-28 are pending, rejected and on appeal. Claims 1-2, 5, 10, 17, and 19 were previously cancelled without prejudice or disclaimer. No claims are withdrawn, objected to, or allowed.

No amendments to the claims were made after the Final Office Action dated November 3, 2009.

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## **II. Grounds of Rejection to be Reviewed on Appeal**

**A.** Are claims 3-4, 6-7, 11-16, 18 and 20-28 rendered obvious under 35 U.S.C. § 103(a) over Lindhorst et al., (hereinafter “Lindhorst”), US Pat. No. 6,889,379, in view of Doyle et al., (hereinafter “Doyle”), US Pat. No. 6,839,700?

**B.** Are claims 8 and 9 rendered obvious under 35 U.S.C. § 103(a) over Lindhorst, in view of Doyle, and further in view of Masters, US Pat. No. 6,374,300?

### **III. Argument**

**A.** Claims 3-4, 6-7, 11-16, 18 and 20-28 are not rendered obvious over Lindhorst in view of Doyle.

Appellants submit the cited references fail to teach or suggest at least a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header comprising searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and generating a HTTP header for the content, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content. (e.g., as described in claim 21).

The Examiner has asserted, on page 9 of the Examiner's Answer, that Doyle discloses identifying different syntax formats within the response header to obtain the cost metrics and that such disclosure, broadly construed, corresponds to searching the content for the set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers as recited in claim 21. *See* Examiner's Answer dated 6/21/2010, Response to Argument, page 9, paragraph 2. Appellants submit that this interpretation mischaracterizes both the disclosure set forth in Doyle and the claims of the present application.

The recited supporting section of Doyle, column 8, line 3 through column 9, line 56, describes figures 8A through 8G which describe similar syntax formats that may be used for conveying meta-data within response messages. Each described syntax is an example of a syntax that may be used in a response message header. However, nothing in Doyle discloses that

the content servers search for or even identify a single syntax within the group of exemplary syntaxes. Therefore, nothing in the recited portion of Doyle suggests searching content for a set of associated identifiers and selecting information corresponding to a subset of the set of associated identifiers and generating an HTTP header for the content as described in claim 21.

Additionally, Appellants submit that the Examiner's further argument that where the load balancing host of Doyle searches for metric information created by the content servers, that this corresponds to searching the content for the set of associated identifiers and selecting a subset as recited in claim 21, again misconstrues the disclosure of Doyle. *See* Examiner's Answer dated 6/21/2010, Response to Argument, page 10, paragraph 2. As disclosed in Doyle, at column 7, lines 33-41, Figure 6 depicts logic to send cost metric information to the load-balancing host. A cost metric is computed and meta-data is created to convey this information, which is then sent to the load-balancing host. Thus it is the content servers that generate the response message, including the header containing the cost metric information. Then, as described at recited column 8, lines 29-41, the load-balancing host searches for cost metric information in the header of the received response message created by the content server. The load-balancing host then uses the received cost metric information to perform load balancing of content requests. Thus, in Doyle, no searching and selecting header content is performed prior to generating the packet header. Therefore, Doyle fails to disclose or suggest searching content for a set of associated identifiers and selecting information corresponding to a subset of the set of associated identifiers and generating an HTTP header for the content as described in claim 21.

Therefore, Appellants again submit that the tasks disclosed in Doyle, performed by the

content server or the load-balancing host are not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content (e.g., as described in claim 21). As the current rejection fails to address the limitations of claim 21 as claimed, and as the cited references fail to teach or suggest at least these relevant limitations, Appellants submit the rejection of claim 21 is lacking and should be withdrawn.

**B.** Claims 8 and 9 rejected under 35 U.S.C. § 103(a) are not unpatentable over Lindhorst, in view of Doyle, and further in view of Masters, US Pat. No. 6,374,300.

As previously noted, Masters fails to make up for the deficiencies of Lindhorst and Doyle. Masters is directed to inserting and examining cookies in the data streams of HTTP connections for the purpose of persistently directing HTTP connections to the same destination. However, inserting and examining cookies in a data stream for the purpose of persistently directing HTTP connection to the same destination is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content. Appellants submit the Masters references as a whole fails to teach or suggest the relevant limitations discussed above.

### **CONCLUSION**

Accordingly, since none of the cited references teach or suggest at least the above-discussed relevant limitations of claim 21, Appellants submit the § 103 rejection of claim 21 should be withdrawn. Appellants further submit independent claim 21 is allowable, and claims

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22 and 23, containing similar limitations, are allowable as well. Dependent claims 3, 4, 6-9, 11-16, 18, 20, and 24-28 are allowable as depending from allowable independent claims.

For all the above reasons, the Appellants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Appellants therefore respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claims 3-4, 6-9, 11-16, 18 and 20-28 and direct the Examiner to pass the case to issue.

The Examiner is hereby authorized to charge any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

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